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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/182,833	10/29/1998	MICHAEL D. STANFORD	PIC-007	2435

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary

Application No.

09/182,833

Applicant(s)

STANFORD ET AL.

Examiner

Jefferey F. Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 17-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on April 15, 2002, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of United Patent 6,240,168 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1-7, 10-12, 14 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois et al. (United States Patent 6,018,5710), hereinafter referenced as Langlois in view of well known Microsoft software programming.

Regarding **claim 1**, Langlois discloses a system for interactive control of a computer and telephone, which reads on claimed apparatus. In addition, Langlois discloses a personal computer (7) controlled by Windows 95®, which reads on claimed “operating system program”, and an inherent plurality of driver programs for peripheral devices and TAPI compliant software application for communicating, which reads on claimed “one or more application programs”, Windows 95® includes application (17) and TAPI layer (31), which is a Microsoft device independent communication library, which reads on claimed “telephone function library of programs”, that control the

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computer (7) to implement convention telephone functions, Windows 95® controlling computer (7) to implement a TAPI, comprising hang-up and hold functions, which reads on claimed “plurality of function calls”, each of which may be invoked to implement a known telephony function by executing one or more of the programs in the TAPI layer (31), as disclosed at column 4, line 60 through column 7, line 39 and exhibited in figures 1-5;

a telephone set (1), which reads on claimed TAPI compliant telephony peripheral device”, inherently capable of digital communication with the computer (7) and coupled to the computer by serial link (9), which reads on claimed “data path”, and structured for connection to a telephone line (5) from a telephone switching system (3), which reads on claimed “telephone service provider”, the telephone set (1) structured to be capable of carrying out telephone function commands issued by one or more programs in execution from the application (17) and TAPI layer (31) so as to control the computer (7) to implement a conventional telephone function for each function call in the telephone set (1), as disclosed at column 4, line 60 through column 6, line 4 and exhibited in figures 1-2;

a keyboard (12) and a mouse pointer (10) coupled to the computer (7) for providing user inputs, as disclosed at column 4, line 60 through column 5, line 7 and exhibited in figure 1;

a monitor coupled to the computer (7), as disclosed at column 4, line 60 through column 5, line 7 and exhibited in figure 1;

and wherein Windows 95® includes application (17), which reads on claimed “TAPI compliant dialer program”, which is coupled to telephone set (1) through the computer (7) and which is capable of controlling the telephone set (1) to provide selected forms of call control functionality such as dial which may be invoked through context sensitive menus displayed on the monitor (8), as disclosed at column 5, line 22 through column 7, line 38 and exhibited in figures 1-4.

and wherein the application program (17) controls the computer (7) to store names and telephone numbers in a phone book file stored in the inherent memory of the computer (7), as disclosed at column 16, lines 20-49 and exhibited in figure 22,, however, Langlois fails to disclose wherein the at least one application program does not comprise a telephone application program or an operating system navigation utility. However, the examiner maintains that it was well known in the art to provide wherein the at least one application program does not comprise a telephone application program or an operating system navigation utility, as taught by well known Microsoft software programming.

In addition, when programming in a Microsoft object linking and embedding (OLE) is Microsoft’s framework for a compound document technology. A compound document is something like a display desktop that can contain visual and information objects of all kinds including text, calendars, animation, sound, motion video, 3-D, continually updated news and so forth. Each desktop object is an independent program entity that can interact with a user and also communicate with other objects on the

desktop. Part of Microsoft's Active X technologies, OLE takes advantage and is part of a larger, more general concept, the component object model.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langlois by specifically providing well known Microsoft programming, for the purpose of programming an object to be re-used by many applications programs with a computer or among computers in a network.

Regarding **claims 2-4**, Langlois well known Microsoft software programming disclose everything claimed as applied above (see claim 1), in addition, Langlois discloses wherein the application (17) controls the computer to display a main window display (57), which reads on claimed "dialer icon", on the monitor (8) and the title bar appears in the tray icon (109) of the Windows 95® task bar as to be always visible regardless of which program is currently controlling execution of the computer (7), as disclosed at column 6, line 54 through column 10, line 2 and exhibited in figure 3. Further regarding retrofits the dialer representation on a title bar of a window of an active application program, the limitation is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

Regarding **claims 5 and 6**, Langlois and Microsoft software programming disclose everything claimed as applied above (see claim 1), in addition, Langlois discloses wherein application (17) controls computer (7) to control monitor (8) to display control bar (79) which reads on claimed "drop down menu" when a mouse pointer (10) passes over, which reads on claimed "click", the control bar on the main window display (17) is detected; the control bar (79) may also be opened using a keyboard sequence

(Alt + m), which reads on claimed "predetermined combination of several keys on the keyboard peripheral simultaneously", the buttons (81), which reads on claimed "menu options", are context sensitive so as to provide functionality derived from all parts of the software application (17), but only function options which are appropriate to the state of the telephone call, as disclosed at column 6, line 54 through column 7, line 38 and exhibited in figure 4.

Regarding **claim 7**, Langlois and Microsoft software programming disclose everything claimed as applied above (see claim 4), in addition, Langlois discloses wherein the application program (17) controls the computer (7) to store names and telephone numbers in a phone book file stored in the inherent memory of the computer (7), as disclosed at column 16, lines 20-49 and exhibited in figure 22, and to control the monitor (8) to display menu options that depend upon whether the user has any text or numbers selected in a window of the current application program, as disclosed at column 14, line 14 through column 15, line 18 and exhibited in figures 15-20.

Regarding **claim 8**, Langlois and Microsoft software programming disclose everything claimed, as applied above, (see claim 7), in addition claim 8 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 7.

Regarding **claims 10 and 11**, Langlois and Microsoft software programming disclose everything claimed as applied above (see claim 1), in addition, Langlois discloses wherein the application (17) controls the computer (7) to control the monitor (8) to display all available telephone function options in a Phone menu (67) when a

mouse pointer (10) clicks on the main window display (57) as disclosed at column 12, line 44 through column 15, line 18; and exhibited in figure 11.

Regarding **claim 12**, Langlois and Microsoft software programming disclose everything claimed as applied above (see claim 1), in addition, claim 12 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 2-4 and 10-11 above.

Regarding **claim 13**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-4 and 10-11 above.

Regarding **claim 14**, Langlois discloses an application (17), which reads on claimed "process", for controlling a computer (7) coupled to telephone set (1) to implement telephony functions, wherein when another program is active and with application (17) active and displayed in the tool tray the process of clicking on the application (17) adds the full window display (57) and its functions to the display area of the monitor (7), which reads on claimed "adding telephone functions to the active program", wherein the telephony functions can be carried out by a user by involving selections from a Phone menu (67), as disclosed at column 7, line 39 through column 10, line 2 and exhibited in figures 3-9, in addition claim 14 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

Regarding **claims 15 and 18**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-4 and 14.

Regarding **claim 16**, Langlois and Microsoft software programming disclose everything claimed as applied above (see claim 15), in addition claim 16 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-7 and 14.

Regarding **claim 19**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-12.

3. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois in view of well know prior art (MPEP 2144.03).

Regarding **claim 17**, Langlois discloses everything claimed, as applied above, in the rejection of claims 1 and 14, however, Langlois fails to disclose telephone functions comprising conference and transfer. However, the examiner takes official notice of the fact that it was well know in the art to provide telephone functions comprising conference and transfer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langlois by specifically providing telephone functions comprising conference and transfer, for the purpose of processing incoming telephone calls.

4. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois in view of well known Microsoft software programming, further in view of Bateman et al. (United States Patent 5,884,032), hereinafter referenced as Bateman.

Regarding **claim 9**, Langlois and Microsoft software programming disclose everything claimed, as applied above, (see claim 8), however, Langlois fails to disclose a web browser program and wherein the dialer program launchers the web browser

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when the user selects text which is a URL. However, the examiner maintains that it was well known in the art to provide a web browser program and wherein the dialer program launches the web browser when the user selects text which is a URL, as taught by Bateman.

In a similar field of endeavor Bateman discloses a system for coordinating communications via customer contact channel changing system. In addition, Bateman discloses the components of a customer premises 2 are illustrated in FIG. 1. This includes a processing platform and display such as a PC 4 capable of supporting a graphical WWW HTML (Hypertext Markup Language) browser and supporting generation of a URL (Uniform Resource Locator) of the organization's product and service database, an Internet line 6 (either via LAN or WAN-dial-up via modems), and a telephone 8 connected to the PSTN (public switched telephone network) 9 via a telephone line 10. The URL provides a snapshot indication of where in the hypertext environment of the organization's WWW services the user is at a given time, as disclosed at column 5, lines 1-67.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Langlois and Microsoft software programming by specifically providing a web browser program and wherein the dialer program launches the web browser when the user selects text which is a URL, as taught by Bateman, for the purpose of allowing computer equipment to access information from an organization's databases.

Response to Arguments

5. Applicant's arguments with respect to claims 1-12, 14, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant argument concerning claim 9, requesting a reference, the examiner has provided a reference to support examiner's claim of well know art.

Regarding claim 17, applicant failed traverse the examiner's assertion of official notice, hence the examiner's statement regarding well known in the art statement is taken to be admitted prior art.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH
July 1, 2002



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